

ORIGINAL

(Rev. 5/05)

**FORM TO BE USED BY A PRISONER IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. §1983**

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

(1) BENNIE SINGLETARY # (332365)
 (Name of Plaintiff) (Inmate Number)
(S.C.I.) Box P.O. 500
Georgetown, DE, 19944
 (Complete Address with zip code)

(2) _____
 (Name of Plaintiff) (Inmate Number)

 (Complete Address with zip code)

(Each named party must be listed, and all names
must be printed or typed. Use additional sheets if needed)

vs.

(1) Warden, Rich. KEARNEY
 (2) Col. Boswell
 (3) 40 WADLES; (4) Bates,
 (Names of Defendants)

(Each named party must be listed, and all names
must be printed or typed. Use additional sheets if needed)

I. PREVIOUS LAWSUITS

- A. If you have filed any other lawsuits in federal court while a prisoner, please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

- NONE -

06-315

(Case Number)

(to be assigned by U.S. District Court)

.. Jury Trial Requested Yes.)

CLERK U.S. DISTRICT COURT
DISTRICT OF DELAWARE
FILED
2006 MAY 12 PM 3:07

II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

In order to proceed in federal court, you must fully exhaust any available administrative remedies as to each ground on which you request action.

- A. Is there a prisoner grievance procedure available at your present institution? • Yes • No
- B. Have you fully exhausted your available administrative remedies regarding each of your present claims? • Yes • No
- C. If your answer to "B" is Yes:

1. What steps did you take? SEE ATTACHED

2. What was the result? SEE ATTACHED

- D. If your answer to "B" is No, explain why not:

III. DEFENDANTS (in order listed on the caption)

(1) Name of first defendant: RICH KEARNEY
 Employed as WARDEN, at (S.C.I) PRISON
 Mailing address with zip code: P.O. Box 500
GEORGETOWN, DELAWARE, 19947

(2) Name of second defendant: W. GOSWELL
 Employed as Sgt. OFFICER at (S.C.I) PRISON
 Mailing address with zip code: P.O. Box 500
GEORGETOWN, DELAWARE 19947

(3) Name of third defendant: M. WAPLES
 Employed as OFFICER at (S.C.I) PRISON
 Mailing address with zip code: GEORGETOWN, DELAWARE, 19947

(List any additional defendants, their employment, and addresses with zip codes, on extra sheets if necessary)

Exhaustion of Administrative Remedies;

- Plaintiff attempted to exhaust his remedies, through the prison grievance system. However, Plaintiff were told by staff that "the grievance system doesn't provide for damages."
- The reality of what is grievable is shown to diverge from the written policy, and that staff practice is to treat complaints of civil rights abuses by staff as not grievable.

Plaintiff,
Singletary,

(extra sheet)

Additional Defendant Name;

K. Bates.

Employed as: Sgt.,...

At. (S.C.I) Prison. P.O. Box 500
Georgetown, Delaware, 19947

PLAINTIFF,
Singletary.

IV. STATEMENT OF CLAIM

(State as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach no more than three extra sheets of paper if necessary.)

1. Statement of Claim:

Attached

AS
(A-1)

2.

3.

Statement of Facts:

Attached AS well.

V. RELIEF

(State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. Relief Requested:

Attached AS
(A-2)

(A.1)

Statement of claim:

PLAINTIFF STATES THAT PRISON PERSONNEL WAS DELIBERATELY INDIFFERENCE TO HIS HEALTH AND SAFETY IN VIOLATION OF HIS EIGHTH AND FOURTEENTH AMENDMENT.

Statement of Facts:

PLAINTIFF, ON JANUARY 14, 2006 WAS ATTACKED AND ASSAULTED BY ANOTHER PRISONER IN THE PRISON GYMNASIUM. THE ATTACKER, ATTACKED PLAINTIFF WITH A HOMEMADE "SHANK" CAUSING SERIOUS PHYSICAL INJURIES, SUCH AS: (11) ELEVEN STITCHES TO THE RIGHT ARM; THIRTEEN (13) STITCHES TO THE UPPER RIGHT CHESS; AND A LACERATION WOUND TO (5) FIVE CENTIMETERS DEEP DOWN HIS BACK;

THERE WERE A PRIOR ASSAULT UPON THE ATTACKER THE DAY BEFORE ON THE 13TH OF JANUARY.

THE DEFENDANTS, % MAPLES, AND COL. GOSWELL KNEW OF THE ATTACK ON THE ATTACKER, BUT FAILED TO TAKE STEPS TO PROTECT PLAINTIFF FROM THIS VERY PAINFUL ATTACK.

THERE WERE NO SPECIAL SURVEILLANCE OR SUPERVISION OTHER THAN THE SAME HOUSE GUARD % WAPLES, THE ONLY OFFICER ON DUTY, WAS SELLING AT THE TIME. THE DEFENDANTS WERE AWARE OF THE ATTACKER'S RECORD OF SEVERAL INCIDENTS OF VIOLENCE OR THREATS OF VIOLENCE AS WELL AS OTHER DISRUPTIVE BEHAVIOR. THE DEFENDANTS ACTUAL HAD KNOWLEDGE OF THE RISK OF THE SECOND ASSAULT WAS PROVIDED BY THE FIRST ASSAULT.

THE DEFENDANTS ARE LIABLE OF DELIBERATE INDIFFERENCE "WILFULLY AND INTENTIONALLY NEGLECTING TO PROTECT HIM FROM SERIOUS BODILY INJURY"

DATE: MAY 2, 2006

PLAINTIFF:
SINGLETARY

(A-2)

RELIEF REQUESTED:

Plaintiff, REQUEST "COMPENSATORY DAMAGES"
FOR HIS "PAIN AND SUFFERING" AS A RESULT OF
BOTH THE ATTACK AND LACK OF SUPERVISION;

Plaintiff, ALSO REQUEST "PUNITIVE DAMAGES"
OF THE DEFENDANT'S WILLFULLY AND INTENTIONALLY
CALLOUS INDIFFERENCE;

PLAINTIFF,
SINGLETARY.

DATE: MAY 2, 2006

2. _____

3. _____

I declare under penalty of perjury that the foregoing is true and correct.

Signed this May 10 day of 2006, 2006.

Bernie Singlatory
(Signature of Plaintiff 1)

(Signature of Plaintiff 2)

(Signature of Plaintiff 3)

Ms. Deanne Singletary BLDG. MSSB-A
SUSSEX CORRECTIONAL INSTITUTION
O. BOX 500
GEORGETOWN, DELAWARE 19947
S. B. I. 332365

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